UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

		X	
UNITED STATES OF AMERICA	A, ex rel.)	
JEFFREY J. BIERMAN,)	CIVIL ACTION NO.
)	05-10557-EFH
	Plaintiff,)	
-V)	
)	
ORTHOFIX INT'L, NV, et al.,)	
	Defendants.)	
		X	

STIPULATION OF DISMISSAL AS TO ALL CLAIMS ASSERTED AGAINST DEFENDANTS ORTHOFIX INTERNATIONAL NV AND ORTHOFIX INC.

Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure and the *qui tam* provisions of the Federal False Claims Act, 31 U.S.C. § 3730(b)(1), and in accordance with the terms and conditions of the June 6, 2012 Settlement Agreement among the United States, Orthofix International, NV ("Orthofix"), and Relator Jeffrey J. Bierman (the "Federal Settlement Agreement"), Relator and Orthofix, with the consent of the United States, hereby stipulate, through their undersigned counsel, to the entry of an order: (1) dismissing with prejudice all civil monetary claims asserted by or on behalf of the United States against Orthofix, for the Covered Conduct as defined in Recitals Paragraph E of the Federal Settlement Agreement; (2) dismissing without prejudice to the United States and with prejudice to Relator all other claims against Orthofix; and (3) dismissing with prejudice all claims asserted on behalf of Relator against Orthofix for attorneys' fees under 31 U.S.C. § 3730(d).

¹ As used herein, consistent with the terms of the Federal Settlement Agreement, the term "Orthofix" embraces both Orthofix International NV and its subsidiary, Orthofix, Inc., and the stipulated and consented dismissal of claims provided for by this document applies to both entities.

Pursuant to 31 U.S.C. § 3730(b)(1), the United States of America, by its undersigned counsel, hereby respectfully notifies the Court that the Attorney General consents to the dismissal of this action as against Orthofix, and all claims asserted against Orthofix therein, on the terms detailed herein, on the grounds that such dismissal is in the interests of the United States.

This Stipulation and Proposed Order does not in any way extend to any defendants in this action apart from Orthofix or to the claims against such Defendants.

The parties respectfully request that the Court enter an order of dismissal in the form proposed herewith.

FOR THE UNITED STATES:

DATED: February /, 2013

STUART F. DELERY
Principal Deputy Assistant Attorney General,
Civil Division

CARMEN M. ORTHZ

United States Attorney

By:

ZACHARY A. CUNHA

Assistant U.S. Attorney

One Courthouse Way, Suite 9200

Boston, MA 02210

(617) 748-3387

MICHAEL D. GRANSTON, Acting Director DAVID T. COHEN

Fraud Section, Commercial Litigation Branch Civil Division, U.S. Department of Justice

FOR THE ORTHOFIX DEFENDANTS:

DATED: February 1, 2013

Brien T. O'Connor, Esq.

Kirsten V. Mayer, Esq. Nicholas J. Linder, Esq.

Ropes & Gray, LLP Prudential Tower 800 Boylston Street

Boston, MA 02199-3600

FOR RELATOR JEFFREY J. BIERMAN:

DATED:

February <u>1</u>, 2013

BY:

Neil V. Getnick, Esq.
Lesley Ann Skillen, Esq.
Getnick & Getnick, LLP
Rockefeller Center
650 Fifth Avenue
New York, NY 10020